

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1968-01
Bill No.: HB 851
Subject: Children and Minors; Health Care; Business and Commerce; Merchandising Practices
Type: Original
Date: March 25, 2011

Bill Summary: This proposal prohibits any person less than 18 years of age to use a tanning device in a tanning facility without parental consent.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Department of Health and Senior Services (DHSS)** assumes the proposed legislation would require DHSS to develop a standard consent form for usage by all tanning facilities to be signed by a parent or guardian of anyone under the age of eighteen years of age. The language also requires DHSS, along with law enforcement, to utilize existing resources and personnel to carry out enforcement activities of the proposed law. DHSS assumes additional staff would be needed to carry out any enforcement duties by the department

DHSS states, currently the department has no staff responsible for addressing complaints from tanning salons. All environmental health staff are working at capacity addressing food/childcare safety and sanitation, lodging and sewage issues which would not be completed if staff were diverted to enforce the provisions of this legislation. Due to the unknown number of non-compliant tanning facilities or the number of complaints requiring investigation, the number of staff and resources necessary to carry out the duties of the proposed legislation is unknown. The department estimates the impact to be unknown but greater than \$100,000.

DHSS states, the proposed legislation imposes a fine of \$1,000 dollars for every violation of this law. The proposed legislation does not state where fines will be deposited, therefore for fiscal note purposes the Department of Health and Senior Services (DHSS) assumes they will be deposited into General Revenue. The total impact to state revenue is unknown.

Oversight assumes DHSS can absorb any related costs from this proposal for the promulgation of rules and the development of a parental consent form for tanning facilities and persons less than 18 years of age.

Oversight assumes that section 577.665.5 of the proposed legislation states, “the enforcement of the provisions of this section shall be provided by existing personnel and resources of law enforcement and the Department of Health and Senior Services”. Oversight assumes all costs related to the enforcement of the proposed legislation can be absorbed by existing law enforcement and DHSS. Oversight assumes if DHSS experiences a measurable increase as a direct result of this proposal, the department may request additional funding through the normal appropriation process.

ASSUMPTION (Continued)

Officials at the **Office of State Public Defender (SPD)** cannot assume that existing staff will provide competent, effective representation for any new cases arising where indigent persons are charged with any proposed new crime relating to persons less than 18 years of age using a tanning device in a tanning facility without parental consent.

Passage of bills increasing penalties on existing crimes, or creating new crimes, requires the State Public Defender System to further extend resources. While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide competent and effective representation in all its cases.

Oversight assumes the SPD can absorb the additional caseload that may result from this proposal.

Officials at the **Office of Secretary of State** states many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$2,500. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with the core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process.

Officials at the **Joint Committee on Administrative Rules, Office of Prosecution Services,** and **Office of State Courts Administrator** assumes there is no fiscal impact from this proposed legislation.

<u>FISCAL IMPACT - State Government</u>	FY 2012 (10 Mo.)	FY 2013	FY 2014
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2012 (10 Mo.)	FY 2013	FY 2014
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

Direct fiscal impact to small business tanning facilities would be expected as a result of this proposal.

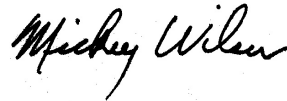
FISCAL DESCRIPTION

The proposed legislation appears to have no fiscal impact.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Health and Senior Services
Office of Secretary of State
Joint Committee on Administrative Rules
Office of State Courts Administrator
Office of Prosecution Services
State Public Defender's Office

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA
Director
March 25, 2011